



## REQUEST FOR LAND CONSERVATION FUNDING (Act 156 SLH 2005)

### GRANT APPLICATION INSTRUCTIONS

Applications are due by 4:30 p.m. HST on October 16, 2006

Department of Land and Natural Resources (DLNR)  
Legacy Land Conservation Program  
1151 Punchbowl Street, Room 325 Tel: (808) 586-0921  
Honolulu, Hawaii 96813  
[www.hawaii.gov/dlnr/dofaw/llcp](http://www.hawaii.gov/dlnr/dofaw/llcp)

#### Section A. About the Land Conservation Fund

The Legacy Land Program was established in July of 2005 by Section 173A-5, Hawaii Revised Statutes (HRS), under Act 156 (the Land Conservation Fund). The program provides for the acquisition of lands, including easements, for:

- Watersheds protection;
- Coastal areas, beaches, and ocean access;
- Habitat protection;
- Cultural and historical sites;
- Recreational and public hunting areas;
- Parks;
- Natural areas;
- Agricultural production; or
- Open spaces and scenic resources.

#### Section B. Who May Apply for Funding

The Legacy Land Conservation Program is intended for state agencies, counties, and non-profit land conservation organizations seeking funding to acquire property that has value as a resource to Hawaii. *The 2006 application cycle will provide approximately \$3.6 million in grants through a competitive process.*

#### Section C. Award Selection Process

1. Applicants will complete and submit, at a minimum, the *Grant Application form* and "Required Preliminary Documentation" (refer to Section D.) on or by October 16, 2006. Applications must be postmarked or hand delivered by 4:30 p.m. Hawaii Standard Time (HST) to be considered for funding.
2. The Legacy Land Conservation Commission (Act 254 SLH 2006) will review applications and announce *award nominees*. Applicants whose projects are nominated will be asked to submit additional documents, such as updated appraisals, title reports, verification of status of matching funds, status of permits, and details of acquisition process or cost descriptions. The following page (refer to Section E.) includes a list of "Other Supporting Documentation" that may be required at this stage of the awards process.
3. The Commission will review all complete grant application packets and then recommend funding awards to the Board of Land and Natural Resources (BLNR). Final awards are subject to approval by the BLNR, Attorney General and the Governor.

## **Section D. Required Preliminary Documentation**

Please include with your *Grant Application* the following documents:

1. A general location map and a parcel map.
2. At least one (1), but no more than three (3) photos of the property.
3. Non-profit land conservation organizations:
  - IRS 501 (c) (3) or (c) (1) non-profit status determination letter.
  - Letter (original with certified signature) from current landowner of property or easement acknowledging project and application.
4. If the State is the intended end owner of the acquired property or easement:
  - Letters (original with signatures) from agencies who have agreed to participate in the project.

## **Section E. Other Supporting Documentation**

The documents listed below may be requested from applicants whose projects are nominated for funding. Applicants are encouraged to submit these documents with the application if they are available, in order to assist the evaluation.

Applicants may choose to include, for reimbursement consideration, the cost of obtaining documents or services in Section E. "Funding Request" of the *Grant Application*. However, final funding awards are at the discretion of the BLNR, the Attorney General, the Governor, and the disapproval of the Legislature.

1. An appraisal report performed by an appraiser on the State procurement list.
2. Verification of source and status of matching funds. Verification could be copies of grant applications submitted to other sources (and the status of these applications), contact information, or award letters.
3. A title report covering the privately owned property.
4. A Cultural Impact Assessment.
5. Other documentation verifying information included in application or deemed necessary by the Legacy Land Conservation Commission and the DLNR for evaluation.
6. Non-profit organizations may be required to submit copies of their bylaws, tax clearances, budgetary information, or other information in order to determine their non-profit status.

## **Section F. General Instructions for Grant Application**

1. All applications will be reviewed for accuracy and completeness. Any required missing or inaccurate information may result in the rejection of your application.
2. All applications and any subsequent information provided by grant applicants relating to the Legacy Land Conservation Program (Act 156 SLH 2005 and Act 254 SLH 2006) shall be of public record except as may

be excluded pursuant to HRS, Chapter 92F.

3. Where the intended recipient of a grant is a county agency or nonprofit land conservation organization, matching funds of at least 25% of the total project costs are required. Matching funds may be in the form of direct monies, a combination of public and private funds, land value donation, in-kind contributions, or any combination thereof. Evidence of the matching funds shall be made available prior to any distribution of grant funds. However, an entity may apply to the Legacy Land Program while other applications are pending.
4. All State acquisitions approved by BLNR shall be done in compliance with Sections 107-10, 171-11 and 171-30, HRS, as amended, and Chapter 101, HRS, as may be necessary.
5. Land acquired with funds and subsequently sold or leased will be subject to pay back provisions.
6. If this application results in the acquisition of interests or rights in property or easement by the State of Hawaii:
  - a. Pursuant to HRS §171-30(e), total consideration paid in any Legacy Land Conservation Program project shall not be greater than the fair market value of the interest to be acquired as determined by an independent professional appraisal.
  - b. Pursuant to HRS Chapter 343, an Environmental Assessment (EA) or Environmental Impact Statement (EIS) may be required.
  - c. Any conveyance of fee title in private lands to the State of Hawaii DLNR shall be via the State's standard warranty deed document form, as may be amended from time to time, which contains hazardous waste testing provisions and indemnity language.
  - d. The issuance of a Governor's Executive Order to the Applicant or cooperating governmental agency may be recommended.
  - e. Any conveyance tax is the responsibility of the seller of the real property.
  - f. If escrow services are used, then all fees shall be the sole responsibility of the seller; moreover the seller shall be responsible for providing escrow instructions subject to DLNR review and approval.
7. Any permanent easement established that includes partnership with a federal land conservation program may be transferred only as provided by rules of the federal program.
8. Should grant funds be awarded, such moneys must be expended within two years of receipt of funds unless the BLNR approves of an extension in writing prior to expiration. Should awarded funds not be expended within the allotted time, a new application must be submitted for future consideration.